

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 08 CR 5
v.)	
)	Judge Robert W. Gettleman
PATRICK M. McKIBBINS)	

**JOINT MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE MOTIONS *IN LIMINE***

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, and the defendant PATRICK M. McKIBBINS, by his attorney Bart A. Beals, hereby jointly request the entry of an order granting both parties until September 12, 2008, forty-five days before the scheduled trial date of October 27, 2008, to file their respective motions *in limine*. In support of their motion, the parties state as follows:

1. On June 24, 2008, the parties appeared before this Court for a status hearing in U.S. v. McKibbins, 08 CR 5. During that status hearing, this Court set a trial date for October 27, 2008. In addition, this Court ordered that defendant's pretrial motions be filed by July 18, 2008. Both parties understood this Court's order to require the filing of motions *in limine* on the same date. The next status date was set for July 23, 2008.

2. On July 2, 2008, in keeping with the July 18, 2008 deadline, the parties conferred regarding their respective motions *in limine*. The parties realized during this discussion, however, that it will be difficult to prepare motions *in limine* by July 18, 2008. First, because defendant's pretrial motions have not yet been filed, nor decided, it is difficult for the parties to determine what the issues at trial may or may not be. Second, the parties are hopeful that they will reach agreement on a number of possible pretrial issues. However, at the present time, neither party is fully prepared to stipulate to evidentiary issues before the parties are fully aware of what the trial issues will be.

Finally, due to the sensitive nature of the allegations in this case, defendant and defendant's counsel must make arrangements to review certain discovery at the United States Attorney's Office. Given the likelihood that those materials will lead to pre-trial disputes, the parties request additional time in order to allow the additional review of this evidence.

3. The parties respectfully request that this Court grant them until September 12, 2008, to file motions *in limine*. The extended date is still 45 days prior to trial and will allow the parties sufficient time to put together a more streamlined presentation of their pretrial motions. As of September 12, 2008, the parties will have, hopefully, stipulated to a number of evidentiary issues. In addition, defendant's pretrial motions, if any, will have been filed and ruled upon and thus the parties will be able to narrow the number of pre-trial issues to be decided.

WHEREFORE, the government, together with the Defendant, respectfully request that this Court grant them until September 12, 2008, to file motions *in limine*.

Respectfully submitted,

PATRICK J. FITZGERALD
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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

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were served on July 7, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/Bethany K. Biesenthal

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